

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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IN RE 21ST BIRTHDAY DENIALS OF
SPECIAL IMMIGRANT JUVENILE
STATUS APPLICATIONS BY USCIS.

MEMORANDUM OF DECISION
AND ORDER RE: MOTION FOR
RECONSIDERATION

Civil Action Nos. 22-CV-1926 (GRB)
22-CV-2319 (GRB)

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APPEARANCES:

For Plaintiffs:
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FILED
CLERK

2:47 pm, Apr 25, 2023

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

For Defendants:
Megan J. Freismuth, AUSA
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United States Attorney's Office
610 Federal Plaza
Central Islip, NY 11722

GARY R. BROWN, U.S. District Judge:

On February 10, 2023, this Court deferred ruling on the government's motion for reconsideration of this Court's Order to Show Cause as to why defendants should not be directed to (a) describe the steps taken by defendants to ensure USCIS's compliance with the law and regulations in future Special Immigrant Juvenile Status ("SIJS") applications and (b) identify pending SIJS applications raising the same issues discussed in the Court's October 28, 2022 Memorandum of Decision and Show Cause Order. *See* Docket Entry ("DE") 31; *In re 21st Birthday Denials of Special Immigrant Juv. Status Applications by USCIS*, Nos. 22-CV-1926 (GRB), 22-CV-2319 (GRB), 2022 WL 16540657 (E.D.N.Y. Oct. 28, 2022). This deferral was predicated upon the government's request in a related case on January 25, 2023 for a 60-day

extension of time to answer, move, or otherwise respond to the Complaint because USCIS was “deliberating [] potential policy and operational changes that would likely, *inter alia*, affect the grounds for denying Plaintiff’s SIJ petition[.]” *See Acosta Umanzor v. Garland, et al.*, 2:22-cv-6906 (GRB), DE 13.

On March 30, 2023, the government filed a letter in that case, *see Acosta Umanzor v. Garland, et al.*, No. 2:22-CV-6906 (GRB), DE 15, informing the Court that: (1) USCIS issued a Policy Alert clarifying that when the last day of a period for filing a paper-based benefit request, *e.g.*, the last day before one’s birthday, falls on a Saturday, Sunday, or federal holiday, the filing is considered timely if it is received by the end of the next business day, *see* Policy Alert: Filing Periods and Response Timeframes Ending on Saturdays, Sundays, or Federal Holidays, USCIS (Mar. 29, 2023), <https://www.uscis.gov/sites/default/files/document/policy-manual-updates/20230329-TimelyFiling.pdf>, and (2) as of March 30, 2023, USCIS allows SIJS petitioners nearing age 21 to schedule an expedited appointment to file a Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant in person at a local field office within two weeks of turning 21 years old, *see* Provision Allowing Special Immigrant Juveniles to File Form I-360 in Person Before Their 21st Birthday, USCIS (Mar. 30, 2023), <https://www.uscis.gov/newsroom/alerts/provision-allowing-special-immigrant-juveniles-to-file-form-i-360-in-person-before-their-21st>.

In light of USCIS’s policy changes, which appear designed to help ensure the lawfulness of the agency’s determinations regarding the timeliness of SIJS petitions, no further action is required regarding the Order to Show Cause issued herein.

The Clerk of Court is directed to close the case.

SO ORDERED.

Dated: Central Islip, New York
April 25, 2023

/s/ Gary R. Brown
GARY R. BROWN
United States District Judge